

REMARKS

In view of the following remarks, reconsideration of the rejections contained in the Office Action of December 4, 2008 is respectfully requested.

In the outstanding Office Action, the Examiner withdrew the previous indication of Allowability of claims 62-70 and 72-97, and rejected all of the claims in view of the newly-cited Davis reference (U.S.P. 7,350,315) either alone or in combination with other references. However, in view of the following remarks and documents submitted herewith, the Examiner is respectfully requested to withdraw the newly-cited Davis reference.

As noted by the Examiner in the Office Action, the Davis reference qualifies as prior art under 35 U.S.C. § 102(e) and has an effective date (a U.S. filing date) of December 22, 2003. The present application is a U.S. National Stage application based on International application PCT/JP2004/011101, which has an International filing date of July 28, 2004. Furthermore, the present application claims priority to five Japanese applications, and three of those applications have filing dates earlier than the effective date of the newly-cited Davis reference. In particular, Japanese priority application 2003-289442 has a filing date of August 7, 2003; Japanese priority application 2003-289443 has a filing date of August 7, 2003; and Japanese priority application 2003-317395 has a filing date of September 9, 2003. As noted above, the present application also claims priority to two additional Japanese applications, but it is submitted that the above-listed three Japanese priority applications fully support all of rejected claims 62-70 and 72-97.

Submitted herewith are verified English translations of each of Japanese priority application 2003-289442, Japanese priority application 2003-289443, and Japanese priority application 2003-317395. As can be seen from these English translations, all of the rejected claims in the present application are fully supported by the disclosure set forth therein. Thus, it is submitted that the rejected claims are entitled to a priority date of at least September 9, 2003, which is clearly prior to the effective date of December 22, 2003 for the Davis reference. Furthermore, as indicated in the form PCT/IB/304 submitted January 18, 2006 with the other National stage application papers, certified copies of each of the priority documents were

received by the International Bureau, thereby perfecting the Applicant's claim for foreign priority. As such, the Examiner is respectfully requested to withdraw the Davis reference as prior art with respect to rejected claims 62-70 and 72-97. Furthermore, in view of the removal of the primary Davis reference, it is respectfully submitted that the pending claims 62-70 and 72-97 are clearly patentable over the prior art of record.

In view of the above remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

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